

From the INTERNATIONAL SEARCHING AUTHORITY

To:
Davies Collison Cave
1 Little Collins Street
MELBOURNE VIC 3000

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year) 26 SEP 2003Applicant's or agent's file reference
12301370/EJH/LM

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/AU03/01006International filing date
8 August 2003

Applicant

MELBOURNE HEALTH et al

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau.

If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AU

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
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Authorized officer

JANE MCHENRY
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01006

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. ⁷: C12N 15/12, C07K 14/435, 16/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

SEE ELECTRONIC DATABASE BOX BELOW

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SEE ELECTRONIC DATABASE BOX BELOW

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DGENE, EMBL, GENBANK: SEQ ID NO: 2, 4, 6, 8, 10, 12, 14, 16, 39.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Wilanowski T <i>et al.</i> (2002) Mech. Dev. 114(1-2): 37-50. "A highly conserved novel family of mammalian developmental transcription factors related to Drosophila grainyhead" & GenBank Accession No. AF411210, AF411211, AF411212, AF411213, XP_018276 & XP_002272. 100% matched with human MGR p49, mouse MGR p61, p70 and BOM sequences. See whole document.	1-25
P, X	Ting SB <i>et al.</i> (2003) Biochem J. 370(Pt 3): 953-962. "The identification and characterization of human Sister-of-Mammalian Grainyhead (SOM) expands the grainyhead-like family of developmental transcription factors" & GenBank Accession No. AY231160, AY231161 See whole document.	1-25

☒ Further documents are listed in the continuation of Box C

☒ See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
19 September 2003

Date of mailing of the international search report

26 SEP 2003

Name and mailing address of the ISA/AU

Authorized officer

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Facsimile No. (02) 6285 3929

JANE MCHENRY

Telephone No : (02) 6283 2091

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01006

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages (Remove spaces when completed if the page is too long)	Relevant to claim No.
P, X	Strausberg R L <i>et al.</i> (2002) Proc. Natl. Acad. Sci USA 99(26): 16899-16903. "Generation and initial analysis of more than 15,000 full-length human and mouse sequences" & GenBank Accession No. BC 013080, BC036890, BC037233, BC042575, BC055035. See whole document.	1-25
P, X	WO 03/006618, A (Incyte Genomics, Inc.) 23 January 2003. See SEQ ID NO: 30 which is 98.7% identical to SEQ ID NO: 8 and 91.4% identical to SEQ ID NO: 16.	1-4, 6, 7, 18, 22-25
P, X	WO 02/070539, A (HYSEQ Inc.) 12 September 2002. See SEQ ID NO: 1342. 100% identical to SEQ ID NO: 6 74.7% identical to SEQ ID NO: 14	1-4, 6, 7, 18, 22-25
P, X	WO 02/071928, A (Millennium Pharmaceuticals, Inc.) 19 September 2002. See SEQ ID NO: 91. 99.4% identical to SEQ ID NO: 6 94.1% identical to SEQ ID NO: 14	1-4, 6, 7, 18, 22-25
X	WO 02/30268, A (EOS Biotechnology, Inc.) 18 April 2002. See SEQ ID NO: 2. 99.4% identical to SEQ ID NO: 6 94.1% identical to SEQ ID NO: 14	1-4, 6, 7, 18, 22-25
X	EP 1074617, A (Helix Research Institute) 7 February 2001. See SEQ ID NO: 18202. 99.4% identical to SEQ ID NO: 6 94.1% identical to SEQ ID NO: 14	1-4, 6, 7, 18, 22-25
X	DGENE Abstract Accession No. AAG67096, CN 1303939 (Shanghai Borong Gene Dev. Co. Ltd.) 18 July 2001. See whole abstract and Sequence. 99.4% identical to SEQ ID NO: 2 94.9% identical to SEQ ID NO: 4 91% identical to SEQ ID NO: 10 and 12	1-4, 6, 7, 18, 22-25

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01006

C (Continuation)

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages (Remove spaces when completed if the page is too long)	Relevant to claim No.
X	WO 00/58473, A (Curagen Corporation) 5 October 2000. See SEQ ID NO: 3956 (page 3116). 90.2 % identical to SEQ ID NO: 2 96% identical to SEQ ID NO: 4 93.1% identical to SEQ ID NO: 10 and 12	1-4, 6, 7, 18, 22-25
X	WO 01/75067, A (HYSEQ, Inc.) 11 October 2001. See SEQ ID NO: 42303. 100% identical to SEQ ID NO: 8 96.6% identical to SEQ ID NO: 16	1-4, 6, 7, 18, 22-25
X	Huang N & Miller W L (2000) J. Biol. Chem. 275(4): 2852-2858. "Cloning of factors related to HIV-inducible LBP proteins that regulate steroidogenic factor-1-independent human placental transcription of the cholesterol side-chain cleavage enzyme, P450scc" & GenBank Accession No. AF198489 & GenPept database Accession No. AAF32276. See whole document, LBP-32 is 100% identical to SEQ ID NO: 4.	1-7, 9, 18, 19, 22-25

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01006

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos :

because they relate to subject matter not required to be searched by this Authority, namely:

2. ☒ Claims Nos : 23 (in part)

because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
See extra sheet below.

3. ☐ Claims Nos :

because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest.

☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

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Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box No: I

Claim 23 does not meet the criteria of rule 6.3 of the PCT in so far as the claim does not define the technical features of the invention. The invention resides in identifying mammalian Grainyhead transcription factors. This claim is not limited to the transcription factor being Grainyhead. Thus, claim 23 does not define the technical features of the invention. Therefore the full scope of this claim has not been searched. The claim has only been searched with respect to the transcription factor being a mammalian Grainyhead transcription factor.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU03/01006

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
		(To put a line under the citations tab to the first point on the next row and press F8)			
WO	2003006618	NONE			
WO	2002070539	US	2003032034	WO	2003029405
WO	2002071928	US	2003087250	WO	2003054152
WO	200230268	AU	200215345	CA	2425569
		US	2003087245	US	2002068036
EP	1074617	AU	200061808	AU	200061809
		AU	200061811	AU	200061812
		AU	200061814	AU	200061815
		AU	200063158	CA	2380472
		JP	2002171977	JP	2002191363
		US	2003082776	US	2003157569
		WO	200109316	WO	200109317
		WO	200109319	WO	200109320
		WO	200109322	WO	200109323
		WO	200109346	WO	200109349
WO	200058473	AU	200037745	CA	2383592
WO	200175067	AU	200134865	AU	200139955
		AU	200149728	AU	200151194
		CA	2399681	CA	2404501
		EP	1254266	EP	1268762
		US	2002061567	US	6436703
		WO	200157266	WO	200164839
		WO	200175093	WO	200175064
		US	2003092112	US	2003096279
		AU	200132971	AU	200133003
		AU	200133293	AU	200134848
		AU	200136658	AU	200136660
		AU	200136721	AU	200143142
		CA	2399644	CA	2399649
		CA	2399672	CA	2399686
		EP	1254265	EP	1254268
		EP	1254270	EP	1261735
				WO	200155334
				AU	200149251
				AU	200155214
				CA	2404555
				EP	1268510
				US	2002146757
				WO	200174836
				US	2003087370
				AU	200125918
				AU	200131288
				AU	200134944
				AU	200136663
				CA	2398251
				CA	2399652
				CA	2399776
				EP	1254269

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU03/01006

US	2002127199	US	2002128187	US	2002137044
US	2003100746	US	2003144491	US	2003158400
WO	200153326	WO	200155335	WO	200157255
WO	200157260	WO	200157261	WO	200157262
WO	200157265	WO	200157267	WO	200157175
WO	200157188	WO	200157190	AU	200134847
WO	200157187	US	2003138804	AU	200138347
AU	200141511	AU	200141873	CA	2401505
EP	1276751	WO	200164834	WO	200164835
WO	200164840	WO	200166558	WO	200153453
WO	200155442	WO	200179447	WO	200188091
AU	200132657	AU	200132989	AU	200145491
AU	200155454	AU	200164724	AU	200122924
AU	200125936	AU	200125955	AU	200125965
AU	200125983	AU	200127284	AU	200127344
AU	200127348	CA	2395731	CA	2395736
CA	2395749	CA	2395763	CA	2395770
CA	2402563	EP	1240178	EP	1242443
EP	1242580	EP	1242596	EP	1250346
EP	1254256	WO	200153455	WO	200153312
WO	200153466	WO	200153485	WO	200153515
WO	200152616	WO	200153454	WO	200153456
US	2002146692	US	6465620	US	6569662
US	2003104529	US	6586390	AU	200127385
CA	2395443	EP	1248848	WO	200153500
AU	200131177	AU	200131178	AU	200132967
AU	200132969	AU	200133017	AU	200133041
AU	200133047	AU	200136553	AU	200134582
CA	2398396	CA	2398546	CA	2398548
CA	2398554	CA	2398215	EP	1252333
EP	1254246	EP	1261736	EP	1276902
EP	1285084	WO	200154477	WO	200155332
WO	200155333	WO	200155336	WO	200155337
WO	200155339	WO	200155435	WO	200155437
WO	200157233	US	2003124573	WO	2002066600
AU	200145280	AU	200177840	CA	2402293
EP	1261743	WO	200216439	WO	200166689

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU03/01006

WO	2002077180	WO	2002072138	US	2003104413
AU	200153620	CA	2406039	WO	200179446
US	2002142953	US	2002197679	EP	1276754
AU	200150872	AU	200152926	CA	2406121
EP	1274716	US	2002150898	WO	200179254
WO	200179449				

END OF ANNEX

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